

Docket No.: SS-108U
Patent App.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF CETERA)
)
APPLICANT:Carl Cetera) Art Unit: 3751
) Examiner: Walczak, David J.
SERIAL NO.: 10/764,029)
)
FILED: 01/22/2004)
)
FOR: CLIP WITH SLIDABLE MEMBER)
)

AFFIDAVIT UNDER RULE 131

I, Carl Cetera, first being duly sworn, do hereby state that:

1. I am a citizen of the United States and my address is 40 East Clinton Avenue, Tenafly, NJ, 07670.
2. I am the inventor of the CLIP WITH SLIDABLE MEMBER as disclosed and claimed in U.S. patent application serial number 10/764,029 (the "Invention"), and on January 22, 2004, filed the above-identified patent application.
3. On about December 1, 2001, I first conceived the design for the Invention and named it the "Knox Pen." At that time, I directed Mr. Chris Suess, an employee of Cotapaxi Custom Design and Manufacturing, LLC, to complete a sketch embodying the Invention, according to my instructions, specifications and details.
4. From the time of conception until the time I completed the Invention on March 5, 2002, I was diligent in developing the invention. On February 27, 2002, I composed an e-mail to

Mr. Suess to check the status of the sketch I previously discussed with him and set up a meeting with Mr. Suess to discuss the progress of the Invention. Subsequent to this e-mail exchange, Mr. Suess and I met and discussed details relating to the Invention.

Thereafter, a final sketch embodying my Invention was completed on March 5, 2002.

This e-mail exchange and a photocopy of the sketch are attached to this affidavit.

4. On information and belief I state that the Invention or any claim of the Invention was not on sale or in public use in this country, nor patented or described in a printed publication in this or a foreign country, more than one year prior to the date of the above-identified application for patent or the filing date of the application for Patent No. D494,217, which substantially shows or describes but does not claim my invention, which was filed on July 9, 2003.
5. My Invention has never been abandoned.

Further affiant sayeth not.


Carl Cetera

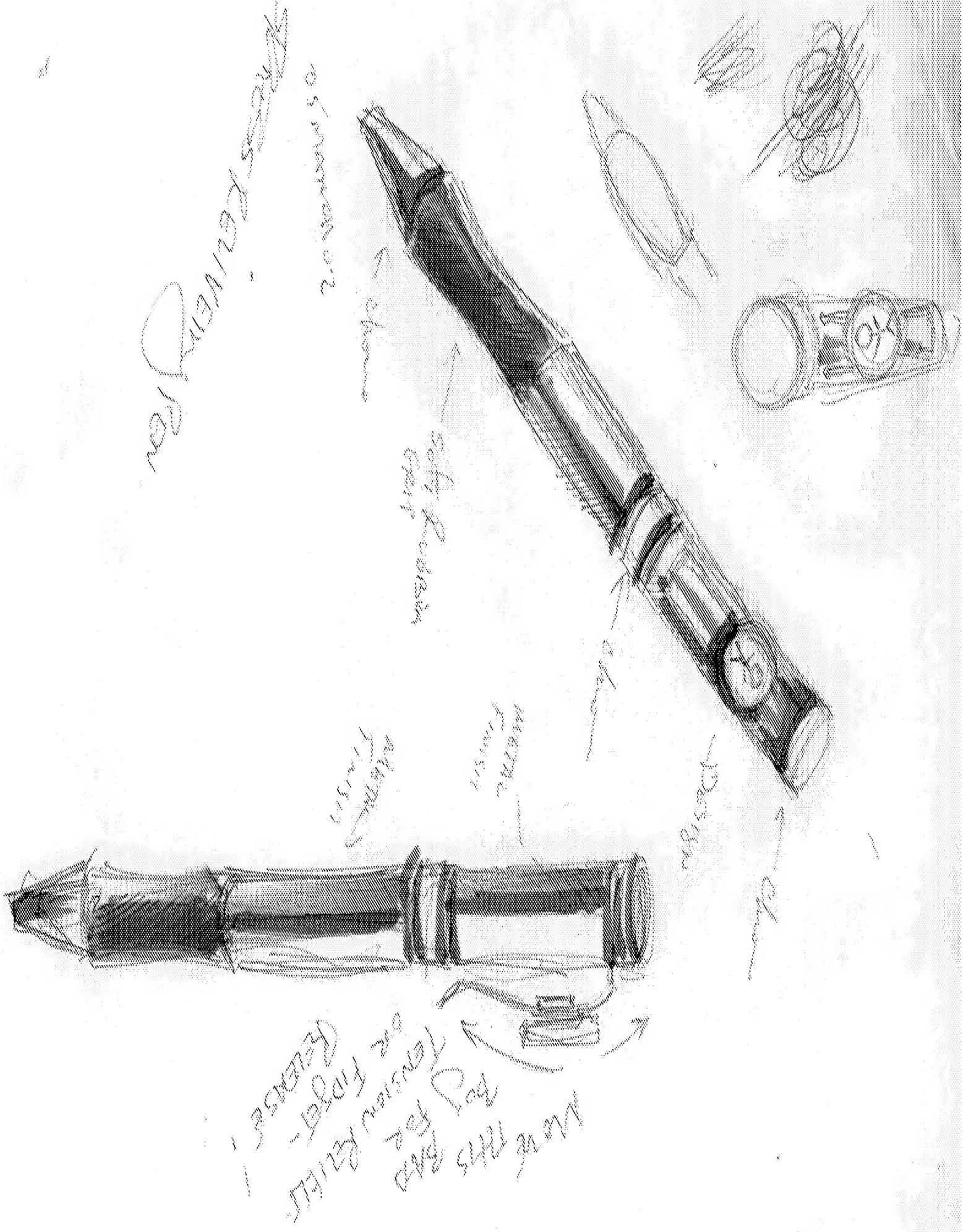
Sworn to and subscribed before me this 31st day of August, 2006.



Nancy J. Ross
Notary Public

My commission expires: NANCY J. ROSS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 15 2008

(Seal)



From: Carl Cetera [mailto:ccetera@cotapaxi.com]
Sent: Thursday, February 28, 2002 1:34 PM
To: 'chris suess'
Subject: FW: Knox Pen Design

Sounds good how does Tuesday look?

Best wishes,

Carl Cetera
COTAPAXI
25 Rockwood Place 4th Floor
Englewood, NJ 07631
Tel: (201) 227-1170 x 15
Fax: (201) 227-1171

From: chris suess [mailto:csuess@cotapaxi.com]
Sent: Thursday, February 28, 2002 9:03 AM
To: ccetera@cotapaxi.com
Subject: Re: Knox Pen Design

When you have time next week let's sit and discuss it I just about have it completed and it looks good, please let me know if you need anything else.

Chris

On 2/27/02 8:22 PM, "Carl Cetera" <ccetera@cotapaxi.com> wrote:

Chris,

How is the design coming along?

Best wishes,

Carl Cetera
COTAPAXI
25 Rockwood Place 4th Floor